

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90

Cal-Ore Telephone Company (“Cal-Ore”) hereby submits these comments in response to the Public Notice commencing the Alternative Connect America Cost Model (“A-CAM”) challenge process.¹ Cal-Ore shares the Commission’s interest in promoting the deployment of broadband-capable infrastructure in rural, high-cost areas, and appreciates the Commission’s commitment to ensuring that the A-CAM accurately reflects the state of competition to provide service to rural communities.

Cal-Ore has served residential, agricultural, commercial and industrial customers in rural Northern California since 1951, serving the towns and surrounding areas of Dorris and Tulelake, California. Cal-Ore serves approximately 2,075 customers and operates as a rural incumbent local exchange carrier (“ILEC”).²

Cal-Ore submits this challenge to facilitate the correction of the A-CAM to accurately reflect the competitive coverage within the California study area it serves.³ As discussed in

¹ Public Notice, *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.2 and Illustrative Results and Commences Challenge Process to Competitive Coverage*, WC Docket No. 10-90, DA 16-378 (rel. Apr. 7, 2016) (“Public Notice”).

² Cal-Ore's Federal Registration Number is 1734888.

³ Cal-Ore’s California Study Area Code (“SAC”) is 542311. Cal-Ore notes that the Bureau’s data for SAC 542311 incorrectly includes ten census blocks that are located

greater detail below, version 2.2 of the A-CAM improperly excludes Cal-Ore from eligibility for A-CAM-based support based on the incorrect determination that FireServe, LLC (“FireServe”) is an overlapping unsubsidized competitive provider. In fact, FireServe, which is a fixed wireless broadband provider based in Klamath Falls, Oregon, does not provide broadband or voice service within Cal-Ore’s California study area.

DISCUSSION

In the *Rate-of-Return Reform Order*, the Commission directed the Bureau to update the A-CAM “to incorporate ... June 2015 FCC Form 477 data” for the purpose of “ensur[ing] that support is not provided to overbuild areas where another provider already is providing voice and broadband service.”⁴ The Bureau released version 2.2 of the A-CAM on April 7, 2016, but in doing so incorrectly excluded Cal-Ore from eligibility for A-CAM-based support. Cal-Ore submits this challenge to correct inaccuracies reflected in A-CAM version 2.2 and request that the changes detailed below be incorporated into the final version of the model.

ALTHOUGH FIRESERVE’S FORM 477 DATA INDICATE ITS PRESENCE WITHIN CAL-ORE’S CALIFORNIA STUDY AREA, FIRESERVE DOES NOT IN FACT PROVIDE BROADBAND OR VOICE SERVICE IN CALIFORNIA

Although version 2.2 of the A-CAM lists FireServe as an unsubsidized competitive provider in Cal-Ore’s California study area, FireServe does not provide broadband or voice service in California. As demonstrated by the National Broadband Map, the Commission’s own

outside the study area. These ten census blocks, all of which are in Oregon, are listed in Appendix 1.

⁴ *Connect America Fund; ETC Annual Reports and Certifications; Developing a Unified Intercarrier Compensation Regime*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 14-58, CC Docket No. 01-92, FCC 16-33 ¶ 71 (rel. March 30, 2016) (“*Rate-of-Return Reform Order*”).

data confirm that FireServe does not provide broadband service in California.⁵ In addition, FireServe is not even authorized to provide voice services in California. Specifically, the company does not hold a certificate of public convenience and necessity (“CPCN”) to provide voice service as a common carrier,⁶ nor is it registered with the California Public Utilities Commission as a provider of interconnected VoIP service.⁷ Absent a CPCN or VoIP Registration, FireServe may not lawfully offer voice services in California.⁸ The fact that the Commission’s Form 499 Filer database does not identify FireServe as a contributor to the Universal Service Fund (“USF”) further suggests that FireServe is not providing interconnected VoIP service *at all*, let alone in Cal-Ore’s study area (or, if it is doing so, it is not making the required USF contributions).⁹ In addition, FireServe could not enter Cal-Ore’s study area by obtaining interconnection-related services pursuant to Section 251(c) of the Communications Act, given that it has not sought to terminate Cal-Ore’s rural exemption under Section 251(f).¹⁰ More broadly, while any company must register with the Secretary of State to conduct business in California,¹¹ FireServe is not registered to do so.¹²

⁵ See Exhibit A, National Broadband Map.

⁶ See Exhibit B, California Public Utilities Commission, Utility Contact System Search Results.

⁷ *Id.*

⁸ See Public Utilities Code §1001 (governing CPCNs); <http://www.cpuc.ca.gov/General.aspx?id=1004> (describing VoIP registration requirement).

⁹ See Exhibit C, Form 499 Filer Database printout reflecting FireServe’s status as a non-USF contributor.

¹⁰ See 47 U.S.C. § 251(f); CPUC D.14-12-084.

¹¹ See *generally* Cal. Corp. Code §§ 1-100008.

¹² See Exhibit D, California Secretary of State, Business Search Results.

Because FireServe does not provide broadband *or* voice service within Cal-Ore's study area in California, let alone *both* services as required to disqualify Cal-Ore from support,¹³ the Commission should ensure that Cal-Ore is eligible for A-CAM-based support for all locations within the 272 census blocks erroneously identified as served by FireServe.

CONCLUSION

For the foregoing reasons, Cal-Ore challenges version 2.2 of the A-CAM and urges the Commission to correct these inaccuracies to ensure that Cal-Ore is not mistakenly denied the right to elect model-based support. Cal-Ore looks forward to working with the Bureau to ensure that accurate data are used to identify areas eligible for support under the final version of the A-CAM.

Respectfully submitted,

/s/ Matthew A. Brill

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¹³ *Rate-of-Return Reform Order* ¶ 71.

EXHIBIT A

Broadband Provider Service Area Data as of: 06/30/14

FireServe, LLC

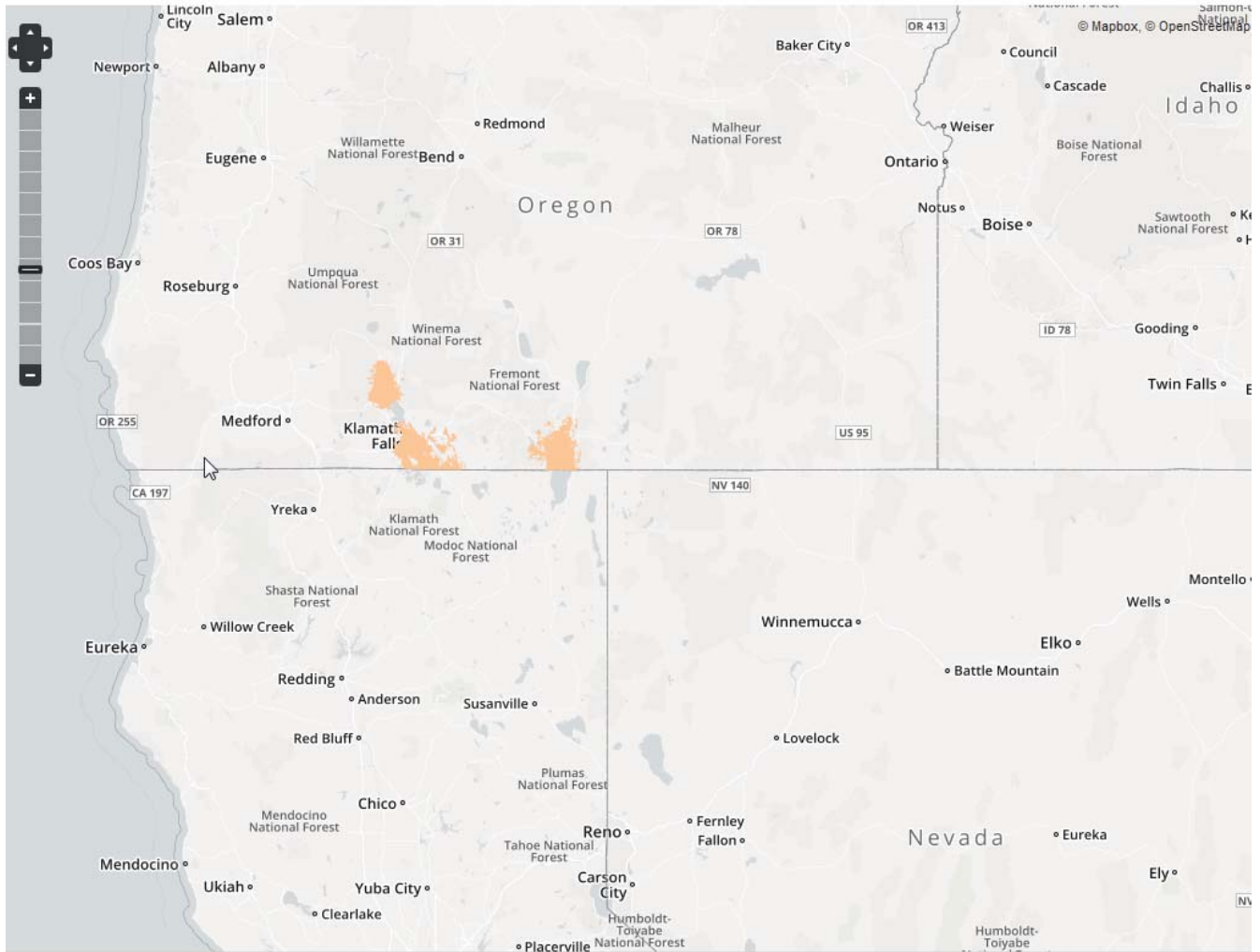
Refresh Map

WIRELINE

WIRELESS

Enter a provider name, then click **Refresh Map**.

Note: Some providers may only offer either wireline or wireless technologies.



The **National Broadband Map** is a tool to search, analyze and map broadband availability across the United States.

Show Footer **Show Gallery**

EXHIBIT B

Utility Contact System Search

The Utility Contact System (UCS) is the Communications Division's database for the primary regulatory contact for each telephone corporation operating in California. The Communications Division sends important regulatory notices to the regulatory contact for each telephone corporation via e-mail, so it is important for primary regulatory contacts to update their UCS record if their e-mail address changes.

Telephone corporations may update UCS contact information using the form on the following page: [Carrier Reporting Requirements](#)

A description of the different utility types (granted authorities) are listed on the following page: [Utility Type Descriptions](#)

Search Utility Name Search Utility Number

No data found.

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EXHIBIT C

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FCC Form 499 Filer Database Detailed Information

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[FCC site map](#)

FCC Form 499 Filer Database DETAILED INFORMATION

 [Form 499 Filer 830495 RSS Feed](#)

Filer Identification Information:

499 Filer ID Number:	830495
Registration Current as of:	Apr 1 2016 12:00AM
Legal Name of Reporting Entity:	FireServe, LLC
Doing Business As:	FireServe, LLC
Principal Communications Type:	Interconnected VoIP
Universal Service Fund Contributor:	No
(Contact USAC at 888-641-8722 if this is not correct.)	
Holding Company:	
Registration Number (CORESID):	0018085316
Management Company:	
Headquarters Address:	900 Main St Suite B
City:	Klamath Falls
State:	OR
ZIP Code:	97601
Customer Inquiries Address:	900 Main St Suite B
City:	Klamath Falls
State:	OR
ZIP Code:	97601
Customer Inquiries Telephone:	541-273-4808 Ext:
Other Trade Names:	FireServe, LLC FireServe Broadband Internet

Agent for Service of Process:

Local/Alternate Agent for Service
of Process:

Telephone:	Ryan FireServe, LLC 541-273-4808
Extension:	703
Fax:	
E-mail:	ryan@fireserve.net
Business Address of Agent for Mail or Hand Service of Documents:	900 Main St Suite B
City:	Klamath Falls
State:	OR
ZIP Code:	97601

D.C. Agent for Service of Process: **Ryan Niemi InCorp Services, Inc**
Telephone: **541-273-4808**
Extension: **703**
Fax:
E-Mail: ryan@fireserve.net
Business Address of D.C. Agent for
Mail or Hand Service of Documents: **1090 Vermont Ave NW**
Suite 910
City: **Washington**
State: **DC**
ZIP Code: **20005**

FCC Registration Information:

Chief Executive Officer: **Lee Matchett**
Business Address: **900 Main St**
Suite B
City: **Klamath Falls**
State: **OR**
ZIP Code: **97601**

Chairman or Other Senior Officer: **Ryan Niemi**
Business Address: **900 Main St**
Suite B
City: **Klamath Falls**
State: **OR**
ZIP Code: **97601**

President or Other Senior Officer:
Business Address:
City:
State:
ZIP Code:

Jurisdictions in Which the Filing Entity Provides Telecommunications Services:

California
Oregon

Use browser "Back" button to return to results page.
Return to Search Form

This database reflects filings received by USAC as of Apr.
04, 2016

FCC Form 499 Filer Database Software Version 01.03.06
July 21, 2011


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Federal Communications Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232

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EXHIBIT D



common good

privacy

All people

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Speak without discrimination.

Conscience

California Secretary of State Alex Padilla

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- Misleading Business Solicitations

Business Search - Results

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Tuesday, April 19, 2016. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.


- Select an entity name below to view additional information. Results are listed alphabetically in ascending order by entity name.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

Results of search for " FIREERVE LLC " returned no entity records.

Record not found.

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common good

privacy

All people

Liberty

Speak without discrimination.

Conscience

California Secretary of State Alex Padilla

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Record not found.

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APPENDIX 1

Census Blocks Incorrectly Included in Study Area 542311

Klamath County, Oregon
410359707002196
410359706001256
410359706001181
410359706001227
410359706001229
410359706001234
410359706001236
410359706001253
410359706001254
410359707002191